

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**RAY C. TURNAGE, et al.**

**PLAINTIFFS**

**V.**

**CAUSE NO. 3:18-CV-818-CWR-FKB**

**BRENT BAILEY, et al.**

**DEFENDANTS**

**ORDER**

Before the Court are Motions to Dismiss filed by the Commissioners of the Mississippi Public Service Commission,<sup>1</sup> Docket No. 9, and Mississippi Power Company, Docket No. 11.

The Motions seek to dismiss Plaintiffs’ original complaint which was filed on November 21, 2018. However, Plaintiffs filed an amended complaint on March 14, 2019. Because Plaintiffs did not refer to, adopt, or incorporate by reference their original complaint, the “amended complaint supersedes the original complaint and renders it of no legal effect.” *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Defendants have also submitted new motions to dismiss “which contain[] modified and updated arguments that attack the amended complaint.” *Rivera v. BMW of N. Am., LLC*, No. 2:19-CV-7, 2019 WL 2539200, at \*1 n.1 (N.D. Tex. Mar. 14, 2019), *report and recommendation adopted*, No. 2:19-CV-7-D, 2019 WL 2540677 (N.D. Tex. Mar. 29, 2019).

Accordingly, the Motions as to the original complaint are moot and denied without prejudice.

**SO ORDERED**, this the 31st day of March, 2020.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), the Court has automatically substituted the current Commissioners as Defendants in this action.